

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 19-45 are pending in the application, with claims 19, 26, 32, 41 and 45 being the independent claims. Claims 29-31 and 35-37 have been amended. Support for the amendment can be found, for example, in the specification at page 10, lines 19-24 and page 3, lines 20-24. These changes are believed to introduce no new matter, and their entry is respectfully requested.

The priority information on page 1 of the specification has also been amended to more accurately reflect the proper status of the priority applications.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 26-37 under 36 U.S.C. § 112, second paragraph, as allegedly being indefinite. In support of the rejection, the Examiner has stated:

Claims 29-31 and 35-37 recites the abbreviation IGF-1, FGF and PGDF without further defining what these abbreviations are. [] It is not clear what is being claimed in the instant application.

(Paper No. 8, page 2.) Applicants respectfully disagree.

Initially, Applicants note that claims 26-28 and 32-34 do not recite the language that the Examiner alleges is indefinite. Thus, Applicants respectfully request that the Examiner withdraw the rejection as it applies to claims 26-28 and 32-34.

With respect to claims 29-31 and 35-37, Applicants assert that the abbreviations for the various receptors are not unclear. From the general knowledge that one of ordinary skill in the art

possesses and the teachings in the specification, it is clear what the abbreviations entail. However, solely to advance prosecution and not in acquiescence to the Examiner's rejection, Applicants have amended the claims so that, according to the Examiner's suggestion, the claims recite the designated names of the receptors. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 19-45 as allegedly being unpatentable over Lamm *et al.*, *Nucleic Acids Research* 25(23): 4855-57 (December 1997). Applicants respectfully traverse the rejection.

Pursuant to 37 C.F.R. § 1.55(a)(4), Applicants have submitted herewith an English language translation of a non-English foreign application (DE 197 52 922.4, filed November 28, 1997) to which the instant application claims priority and a statement that the translation of the certified copy is accurate. Accordingly, Applicants have overcome the date of the reference relied upon by the Examiner. Thus, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 19-45 under 35 U.S.C. § 102(f) because the Examiner alleges that Applicant did not invent the claimed subject matter. Specifically, the Examiner has noted:

that in the reference cited in the 1449 (Lamm et al, *Nucleic Acids Research*, 1997, Vol. 25(23):4855-7) that Matt Cotton was not listed as one of the inventors but was a co-author to the reference and Hoffman is listed as one of the inventors but not listed as one of the co-authors of the paper. . . .

In order to clarify the inventorship of the claimed invention, Applicants have submitted herein a Declaration Under 37 C.F.R. § 1.132. In the Declaration, the inventor, Peter Steinlein, indicates that Johannes Hoffman made essential contributions to the claimed invention and that Matt Cotten did not contribute to the conception of the claimed invention. In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Version with markings to show changes made

In the Specification:

The priority information, below the title on page 1:

This application is a 35 U.S.C. § 371 national stage application of the international application, PCT/EP98/07682, filed November 27, 1998, and published in German as WO 99/28499 on June 10, 1999, which claims priority benefit to German application no. 197 52 922.4 filed November 28, 1997 and German application no. 198 05 229.4, filed February 10, 1998[, the full disclosures of which are herein incorporated by reference].

In the Claims:

Claims 29-31 and 35-37 have been amended as follows:

29. (Once amended) The method of claim 28, wherein the dominant negative receptor is the Insulin-like Growth Factor-1 (IGF-1) receptor.

30. (Once amended) The method of claim 28, wherein the dominant negative receptor is the Fibroblast Growth Factor (FGF) receptor.

31. (Once amended) The method of claim 28, wherein the dominant negative receptor is the Platelet Derived Growth Factor (PDGF) receptor.

35. (Once amended) The method of claim 34, wherein the receptor for a survival factor is the Insulin-like Growth Factor-1 (IGF-1) receptor.

36. (Once amended) The method of claim 34, wherein the receptor for a survival factor is the Fibroblast Growth Factor (FGF) receptor.

37. (Once amended) The method of claim 34, wherein the receptor for a survival factor is the Platelet Derived Growth Factor (PDGF) receptor.